

Appl. No. : 09/909,101
Filed : July 19, 2001

REMARKS

Claims 1 through 4, 23 through 25, 30 through 32, 34, 36 through 39, 44 through 49, 52 through 58, 62 through 65, 68 through 71, 73, 75, 76 and 81 are currently under examination in the present application. No claims have been added or cancelled by the foregoing amendments. Claims 1, 46 and 70 have been amended herein.

A proposed drawing change is submitted herewith, in which Figure 5 has been corrected by changing "114" to --115--. This Amendment is believed to overcome the objection to the drawings.

Claim 70 has been amended in a manner believed to overcome the objection to that claim.

In the Office Action, Claims 1 through 3, 23 through 25, 30 through 32, 34, 36, 37, 39, 44 through 48, 52 through 58, 62 through 65, 69 through 71, 75 and 76 stand rejected under 35 U.S.C. § 102(e) as anticipated by Wilson et al. However, all of the pending claims in the present application recite structure which is not disclosed nor suggested in Wilson. For example, independent Claim 1 recites that the catheter includes "a rotatable member extending axially therethrough and releasably engaged with a rotatable component of the prosthesis". Following adjustment of the prosthesis, Claim 1 recites the method steps of "releasing the rotatable member from the prosthesis" and "removing the rotatable member from the patient".

Thus, Applicants' claimed implant is adjusted by rotating a rotatable member which extends axially throughout the catheter. However, post-adjustment, the prosthesis is detached from the catheter and left in position within the patient. The rotatable member utilized to adjust the prosthesis is associated with the catheter, and is detached from the implant and removed from the patient.

The foregoing structure and associated methods steps are not disclosed by Wilson. As a consequence, Applicants respectfully request that the §102 (e) rejection be withdrawn.

In Wilson, rotatable control wires 48, 58, and 122 are disclosed. No structure is disclosed which would enable the control wires to be detached from the implant, and removed from the patient. To the contrary, Wilson discloses that "the excess of length control and anchor control wires is tucked under the skin or the collarbone". Column 6 lines 46 through 48.

Applicants' only other independent claim, Claim 46, similarly recites that the catheter includes a "rotatable core extending therethrough and a prosthesis removably engaged with the

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core". The method additionally includes the step of "releasing the prosthesis from the catheter, such that the rotatable core is disengaged from the prosthesis".

Since each of Applicants' independent Claims 1 and 46 recites structure which is not disclosed in Wilson, Applicants respectfully request that the 35 U.S.C. § 102(e) rejection be withdrawn. In addition, Applicants respectfully request that the rejection over Wilson of each of the currently pending dependent claims also be withdrawn.

No new matter has been by the foregoing amendments. The mechanism for detaching the rotatable core in the catheter from the rotational coupler in the prosthesis is disclosed throughout the specification, including Figure 11A. See also, page 20 lines 12 through 14 of Applicants' specification as filed, describing the inner rotatable member 225, and page 20 lines 20 through 21 of Applicants' specification as filed, identifying the rotational coupler 280 on the prosthesis. The amendment to Claim 70 brings that claim into conformity with the specification at page 15, line 5.

In view of the foregoing, Applicant respectfully submits that all pending claims of the present application are in condition for allowance, and such action is earnestly solicited. If, however, any questions remain, the Examiner is cordially invited to contact the undersigned so that any such matter may be promptly resolved.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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